

PORSF 11.3.17.1 v.1  
4/30/08

Doc No. 13

USEPA SF



1363959

APPLICATION  
NUMBER

Ø Ø 1 3 6 2

APPLICANT  
NAME

F R E D D E FRED DEVINE DIVING  
+ SALVAGE, INC.

WATERWAY

W I L L R WILLAMETTE RIVER

RIVER  
MILE

Ø Ø 8

ISSUE  
DATE

1 7 J U N 7 4

EXPIRATION  
DATE

3 0 J U N 7 7

TYPE OF  
WORK

D R D I B P MISCELLANEOUS

☒ PHOTOS ON FILE

COORDINATOR \_\_\_\_\_

FOR CROSS-REFERENCE SEE: \_\_\_\_\_

## DAILY OR INCIDENT LOG

|  |                           |
|--|---------------------------|
| DAY <u>Mon.</u> DATE <u>7 Nov. 77</u> TIME _____   | APPL. REVIEW _____        |
| INSPECTOR <u>Bob Graham</u>                        | PERMIT REVIEW <u>1362</u> |
| WATERWAY <u>Swan Island Lagoon</u> MILE <u>4.8</u> | COMPLAINT CHECK _____     |
| NAME <u>Fred Levine Diving Salvage Co.</u>         | VIOLATION CHECK _____     |
| DBA <u>" " " "</u>                                 | STOP WORK ORDER _____     |
| ADDRESS <u>Swan Island 6211 N. Ensign</u>          | % COMPLETE <u>80%</u>     |
| TELEPHONE <u>233-5245</u>                          | PHOTOS TAKEN _____        |

## NARRATIVE

On routine inspection Swan Island Lagoon, checked permit no. 1362 issued to Fred Levine, for dredging and bank protection, discovered permit had expired 30 June 77. as they were still working on project went to main office and talked to Jerry, engineer on the job. they had renewed there state permit, but not the Corps. Informed the they could call John Layne and clear it with him or they would have to shut the job down for violation of permit. Called John and seeing as the were all most finished for this year to let them continue while applying for renewal of permit.

The weather has the job almost closed out for this yr. They stated they would reapply immediatly.

WPPND-RF-1

DEPARTMENT OF THE ARMY

PERMIT

Fred Devine Diving & Salvage, Inc.  
P. O. Box 11224  
Portland, OR 97211

No. 071-OYA-1-001362  
(Willamette River-Miscellaneous)  
Iss. Date 17 Jun 74  
Exp. Date 30 Jun 77

Referring to written request dated 9 November 1973, upon the recommendation of the Chief of Engineers, and under the provisions of Section 10 of the Act of Congress approved March 3, 1899 (33 U.S.C. § 403,) entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and under the provisions of Section 404 of the Federal Water Pollution Control Act as amended in 1972," you are hereby authorized by the Secretary of the Army, \_\_\_\_\_

- to 1. Initially dredge by clamshell approximately 50,000 cubic yards of silty sand with the initial 6,000 cubic yards placed above the ordinary high water line adjacent to the dredging area. The remainder of the dredge spoils are to be deposited in the existing spoils disposal area in Swan Island Lagoon authorized by Department of the Army Permit No. 071 OYA-1-000488. \_\_\_\_\_
2. To place approximately 6,000 cubic yards of riprap bank protection in a two-foot blanket along the slope created by the dredging operation for erosion control. \_\_\_\_\_
3. To perform maintenance dredging removing an annual maximum of approximately 1,000 cubic yards to maintain working depth. \_\_\_\_\_
4. Repair and preserve the existing piling legally driven shoreward of the Federal Harbor Line prior to 27 May 1970. \_\_\_\_\_

in Willamette River, mile 8 (Swan Island Lagoon), \_\_\_\_\_

at Portland, Oregon, \_\_\_\_\_

in accordance with the plans and drawings attached hereto marked: \_\_\_\_\_  
"001362(Willamette River-Miscellaneous)," \_\_\_\_\_

subject to the following conditions: \_\_\_\_\_

cc: HYDRO SURVEYS  
ORDL

(a) That this instrument does not convey any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by law for the structure or work authorized.

(b) That the structure or work authorized herein shall be in accordance with the plans and drawings attached hereto and construction shall be subject to the supervision and approval of the District Engineer, Corps of Engineers, in charge of the District in which the work is to be performed.

(c) That the District Engineer may at any time make such inspections as he may deem necessary to assure that the construction or work is performed in accordance with the conditions of this permit and all expenses thereof shall be borne by the permittee.

(d) That the permittee shall comply promptly with any lawful regulations, conditions, or instructions affecting the structure or work authorized herein if and when issued by the Environmental Protection Agency, and/or the State water pollution control agency having jurisdiction to abate or prevent water pollution, including thermal or radiation pollution. Such regulations, conditions or instructions in effect or hereafter prescribed by the Environmental Protection Agency and/or the State Agency are hereby made a condition of this permit.

(e) That the permittee will maintain the work authorized herein in good condition in accordance with the approved plans.

(f) That this permit may, prior to the completion of the structure or work authorized herein, be suspended by authority of the Secretary of the Army if it is determined that suspension is in the public interest. \*

(g) That this permit may at any time be modified by authority of the Secretary of the Army if it is determined that, under existing circumstances, modification is in the public interest. \* The permittee, upon receipt of a notice of modification, shall comply therewith as directed by the Secretary of the Army or his authorized representative.

(h) That this permit may be revoked by authority of the Secretary of the Army if the permittee fails to comply with any of its provisions or if the Secretary determines that, under the existing circumstances, such action is required in the public interest. \*

(i) That any modification, suspension or revocation of this permit shall not be the basis for a claim for damages against the United States.

(j) That the United States shall in no way be liable for any damage to any structure or work authorized herein which may be caused by or result from future operations undertaken by the Government in the public interest.

(k) That no attempt shall be made by the permittee to forbid the full and free use by the public of all navigable waters at or adjacent to the structure or work authorized by this permit.

(l) That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard, shall be installed and maintained by and at the expense of the permittee.

(m) That the permittee shall notify the District Engineer at what time the construction or work will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of its completion.

(n) That if work on the structure or other activity herein authorized is not commenced on or before the 30 day of June 19 75, and completed on or before the 30 day of June 19 77, this permit, if not previously revoked or specifically extended, shall cease and be null and void. If the work authorized in this permit consists of maintenance dredging or commercial gravel removal, application for revalidation must be made a minimum of six (6) months in advance of the completion expiration date noted above.

(o) That the legal requirements of all Federal agencies be met.

(p) That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require action by the Congress or other agencies of the Federal Government.

(q) That all the provisions of this permit shall be binding on any assignee or successor in the interest of the permittee.

(r) That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

(s) That the permittee agree to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife and natural environmental values.

(t) That the permittee agrees that they/he will prosecute the construction of work authorized herein in a manner so as to minimize any degradation of water quality.

(u) All construction debris will be disposed of on land in such a manner that it cannot enter into the waterway.

(v) Care will be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water.

(w) Slope of the riprap, bank, or excavation, etc., will be no steeper than 2- foot horizontal to 1-foot vertical.

(x) Only clean, durable riprap will be used.

(y) All areas along the bank disturbed or newly created by the construction activity will be seeded, riprapped or given some other equivalent type of protection against subsequent erosion.

(z) Work in the waterway will be done so as to minimize turbidity increases in the water which tend to degrade water quality and damage aquatic life.

(za) If a bucket dredge of any type, including but not limited to grab or clamshell, dipper, dragline or backhaul bucket, is used, all digging passes of the bucket shall be completed without any material once in the bucket, being returned to the wetted area except as approved.

(bb) All spoils are to be placed above the ordinary high water line and be prevented from re-entering the water by a berm.

It is understood by the permittee that work performed under this permit is further subject to such enforcement actions as may be instituted by the State of Oregon or its agencies under the provisions of Division of State Lands Removal Permit No. 1359.

When the District Engineer has been notified by a fishery agency that a dredging or filling activity is adversely affecting fish or wildlife resources or the harvest thereof and the District Engineer subsequently directs remedial measures, the permittee will comply with such directions as may be received to suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect as required.

\*A judgment as to whether or not suspension, modification or revocation is in the public interest involves a consideration of the impact that any such action or the absence of any such action may have on factors affecting the public interest. Such factors include, but are not limited to, navigation, fish and wildlife, water quality, economics, conservation, aesthetics, recreation, water supply, flood damage prevention, eco systems, and, in general, the needs and welfare of the people.

By Authority of the Secretary of the Army:

17 June 1974  
Date

NEIL E. SALING, JR.  
Lieutenant Colonel, CE  
Acting District Engineer

By

*A. J. Heineman*  
for A. J. HEINEMAN  
Chief, Navigation Division

Permittee hereby accepts the terms and conditions of this permit:  
Fred Devine Diving &  
Salvage, Inc.  
P. O. Box 11224  
Portland, OR 97211

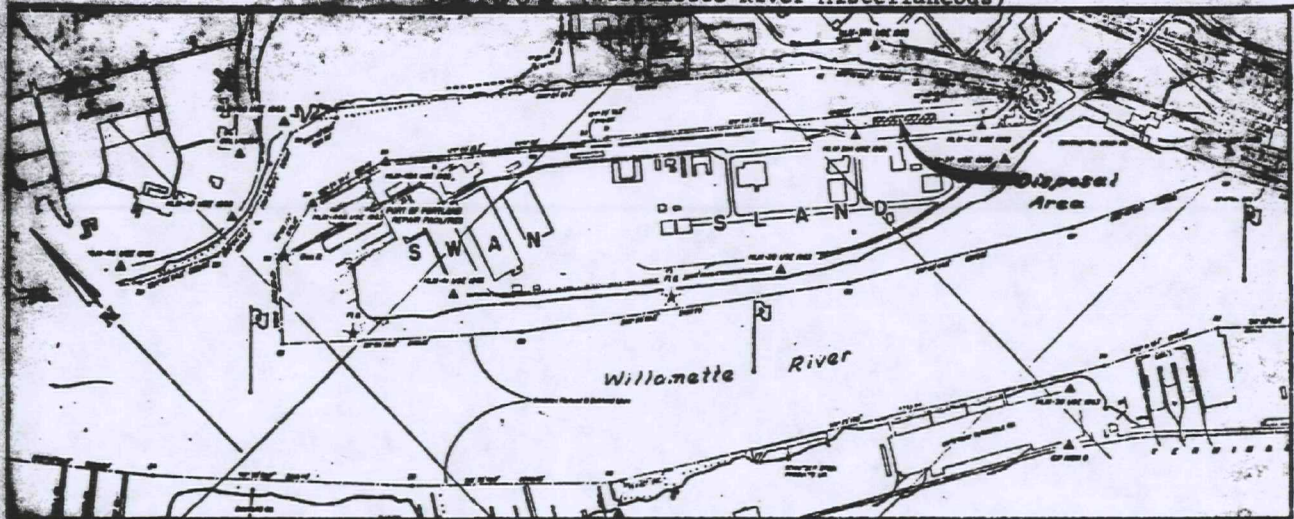
17 June 1974  
Date

*Robert G. Eiring*  
Permittee  
ROBERT G. EIRING

PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946 PORTLAND, OREGON 97208



001862 (Willamette River-Miscellaneous)

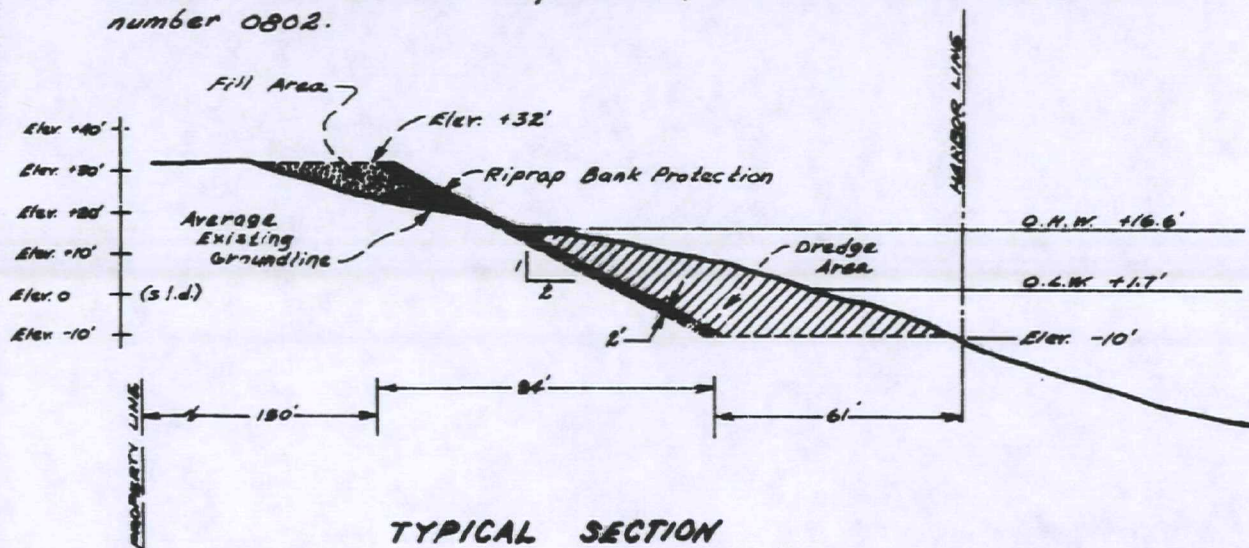


**NOTES:**

All elevations refer to sea level datum.

See sheet #1 for Plan View and Vicinity Map.

Approximately 6,000 Cu. Yds. of Dredge Spoils will be placed in Fill Area on Devine Property, remainder will be deposited in Disposal Area shown above and authorized by Corps of Engineers Permit number 071-0YA-1-000488 and Oregon State, Division of State Lands Permit number 0802.



**TYPICAL SECTION**

Scale: 1" = 40'

In SWAN ISLAND LAGOON

of WILLAMETTE RIVER MILE 2

County of MULTNOMAH, State of

Application by ALCOA

Date: 8-1-58

# DISPOSITION FORM

(AR 340-15)

REFERENCE OR OFFICE SYMBOL

SUBJECT

NPPEN-EQ

Environmental Evaluation and Finding on Permit Application 071-OYA-1-001362, Fred Devine Diving and Salvage

TO Files

FROM

District Engineer

DATE

29 May 1974

CMT 1

Nurmi/477/ml

1. Reference. Paragraph 5g(1) and (2), ER 1105-2-507, 15 April 1974 and the attached Public Notice No. 071-OYA-1-001362.

2. Other Agency Responses to the Public Notice.

a. U.S. Department of Interior, Bureau of Sport Fisheries and Wildlife - no objection subject to the following conditions:

1. All spoils be placed above the ordinary high water line and be prevented from reentering the water by a dike or berm.

2. Upon notification of a fishery agency that dredging activities are adversely affecting fish and/or wildlife resources or the harvest of such resources, the operation be altered or terminated to eliminate the adverse effects.

b. U.S. Department of Commerce, National Oceanic and Atmospheric Administration - no objection.

c. U.S. Environmental Protection Agency, Region X - no objection subject to the condition that the proposed dredge spoils be placed on the bank above ordinary high water or behind a bermed area and therefore, not in contact with the water.

d. State of Oregon, Office of the Governor - approval subject to the conditions outlined in Removal Permit No. 1359 issued by the Division of State Lands and the approval of the City of Portland Planning Commission. In addition, the Governor's Office requires that the contractor consult the City of Portland concerning protection of the storm sewer in the work area.

e. City of Portland, Bureau of Planning - approval.

f. Columbia Region Association of Governments - no comment as no adverse regional impact foreseen.

g. Oregon Environmental Council - request that two comments (1) that the slope of the riprap be 2:1 and (2) that the riprap be appropriately vegetated, be incorporated into the permit conditions.

3. Pertinent Remarks. The proposed dredging, filling, riprapping, and repair of existing piling will take place behind the existing harbor lines and should not impede navigation.

DA FORM 2496

REPLACES DD FORM 2496, EXISTING SUPPLIES OF WHICH WILL BE USED AND USED UNTIL 1 FEB 64 UNLESS SOONER EXHAUSTED.

U.S. GOVERNMENT PRINTING OFFICE: 1963 O-504-001

NPPEN-EQ

SUBJECT: Environmental Evaluation and Finding on Permit Application 071-OYA-1-001362,  
Fred Devine Diving and Salvage

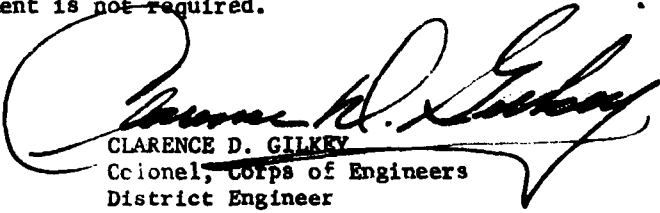
Extensive turbidity is expected to be generated by the dredging of 50,000 cubic yards of silty sand. This turbidity is expected to have temporary adverse effects on water quality and fish. Maintenance dredging of 1,000 cubic yards annually should have a relatively small impact on water quality in comparison to the initial dredging. Dredge spoils are expected to be polluted since the area is highly industrialized. Adverse impacts on water quality will be minimized by disposing of the spoils above the ordinary high waterline or in a bermed area. The slope created by the dredging operation will be riprapped to protect it from erosion.

The Willamette River near the project site seasonally supports substantial fishing pressure. Most angling effort is concentrated on spring Chinook salmon, though other species including coho salmon, winter steelhead, sturgeon, and shad are occasionally harvested. Numerous warmwater game fish occupy the proposed dredging site. Adverse impacts on these fish resources will be minimized if the work is conducted according to the conditions in the permit.

The applicant is a diving and salvage company which requires an adequate depth to moor its floating equipment. The primary benefits from the proposed work will accrue to the applicant. Although the project is not specifically in the public interest, it is not significantly detrimental to it either.

4. Conclusion. I have carefully considered the beneficial and adverse effects associated with the proposed work and find that adequate conditions have been stipulated in the permit to minimize the minor adverse effects. I, therefore, determine that the issuance of this permit does not constitute in itself a major Federal action significantly affecting the quality of the human environment and that the preparation of an environmental impact statement is not required.

Inc'l  
as



CLARENCE D. GILKEY  
Colonel, Corps of Engineers  
District Engineer





DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208

NPPND-MI-P

2 January 1974

PUBLIC NOTICE  
071-OYA-1-001362  
MISCELLANEOUS

WILLAMETTE RIVER MILE 8 IN SWAN ISLAND LAGOON AT PORTLAND, OREGON

Interested parties are hereby notified that application has been made for a Department of the Army permit for work in navigable waters of this Engineer District under Section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U. S. C. 403) and under the provisions of Section 404 of the "Federal Water Pollution Control Act Amendments of 1972".

Name of Applicant: Fred Devine Diving & Salvage, Inc.

Character and Purpose of Work: To initially dredge by clamshell approximately 50,000 cubic yards of silty sand with the initial 6,000 cubic yards placed above the ordinary high water line and adjacent to the dredging area. The remainder of the dredge spoils is to be deposited in the existing spoils disposal area in Swan Island Lagoon authorized by Department of the Army permit number 071-OYA-1-000488. The applicant proposes to place approximately 6,000 cubic yards of riprap bank protection in a two foot blanket along the slope created by the dredging operation for erosion control. The applicant also proposes to perform maintenance dredging removing an annual maximum of approximately 1,000 cubic yards to maintain the working depth indicated. All the above to be accomplished as shown on the attached drawings.

This dredging is necessitated to provide adequate water depths around and behind the existing piling to which the applicant proposes to moor the company's floating equipment. The existing piling were legally driven behind the Harbor Line prior to 27 May 1970.

Additional Information: Additional information may be obtained from Mr. James W. Shiach, Fred Devine Diving & Salvage, Inc., P. O. Box 11224, Portland, Oregon 97211. Telephone: (503) 283-2488.

The requested permit, if issued, will be subject in part to the following conditions:

1. All construction debris will be disposed of on land in such a manner that it cannot enter into the waterway.
2. Care will be taken to prevent any petroleum products, chemicals or other deleterious material from entering the water.
3. Slope of the riprap, bank, or excavation, etc. will be no steeper than 1½ foot horizontal to 1 foot vertical.
4. Only clean, durable riprap will be used.
5. All areas along the bank disturbed or newly created by the construction activity will be seeded, riprapped or given some other equivalent type of protection against subsequent erosion.

NPPND-MI-P

Re: No. 071-OYA-1-001362

(Willamette River - Miscellaneous)

6. Work in the waterway will be done so as to minimize turbidity increases in the water which tend to degrade water quality and damage aquatic life.

7. If a bucket dredge of any type, including but not limited to grab or clamshell, dipper, dragline or backhaul bucket, is used, all digging passes of the bucket shall be completed without any material once in the bucket, being returned to the wetted area except as approved.

Additional Information: A permit for the proposed work will not be issued until certification as required under Section 401 of the Federal Water Pollution Control Act Amendments of 1972 has been received from the Oregon State Department of Environmental Quality. State law requires that leases, easements or permits be obtained for certain works or activity in the described waters. These state requirements must be met where applicable and the Department of the Army permit obtained before any work waterward of the ordinary high water line may be accomplished.

Public Hearing: Any person who has an interest which may be adversely affected by the issuance of a permit for the work described herein may request a public hearing. The request must be submitted in writing to the District Engineer within thirty days of the date of this public notice and must clearly set forth the interest which may be adversely affected and the manner in which the proposed activity will adversely affect that interest.

Interested parties are requested to submit in writing any comments or objections they may have to the proposed work.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Federal Water Pollution Control Act. No permit will be granted unless its issuance is found to be in the public interest.

A preliminary determination has been made that an environmental impact statement is not currently required for the proposed work.

Replies to this notice should be mailed to reach this office not later than 4 February 1974.

  
J. HEINEMAN  
Chief, Navigation Division

**NOTES:**

All elevations refer to sea level datum.  
See sheet #2 for Spoil Disposal Location  
and Typical Section.

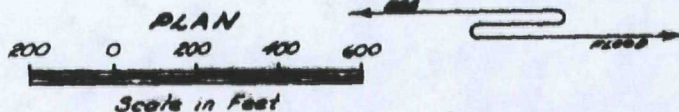
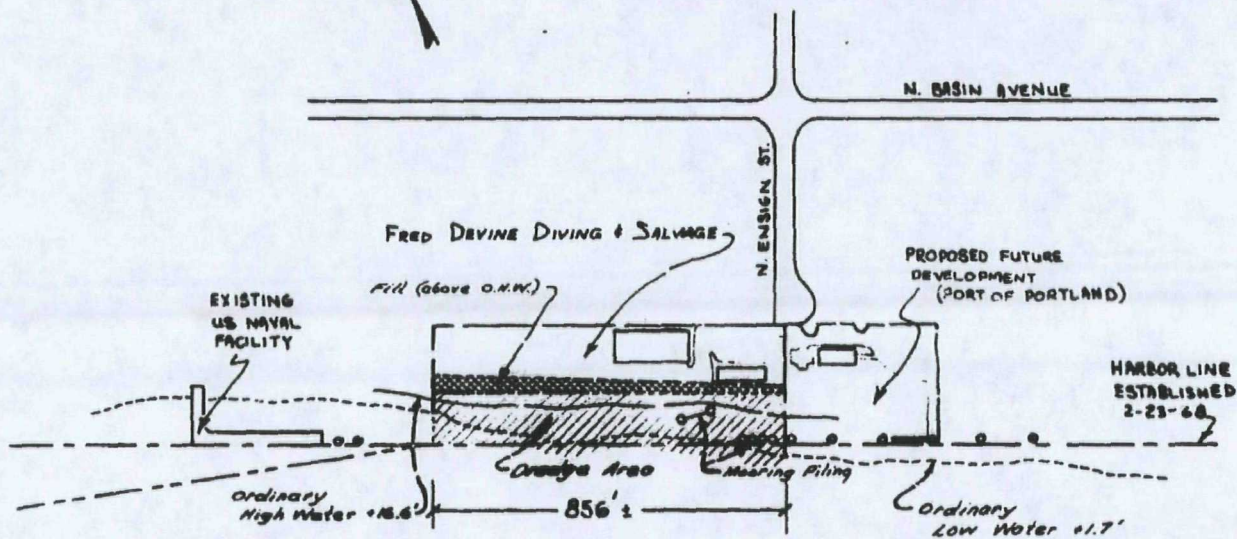
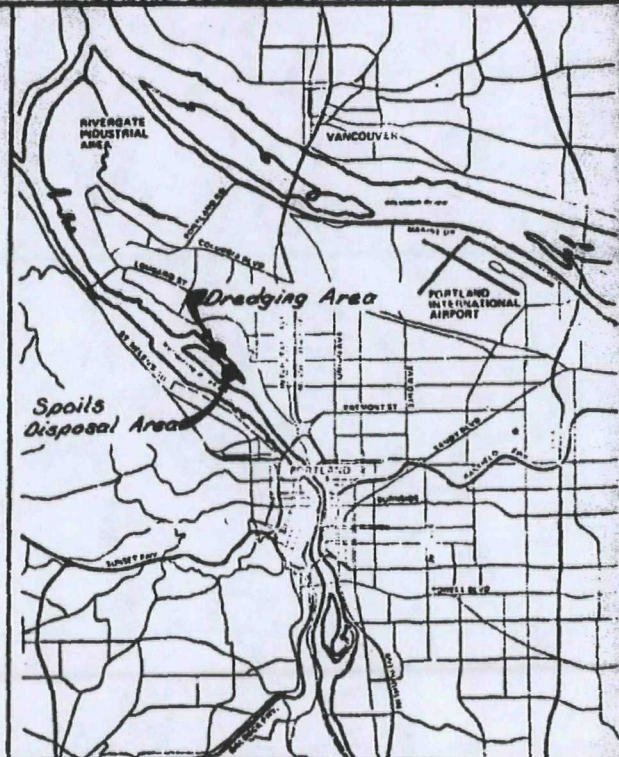
**KEY:**



Denotes area to be dredged.



Denotes Fill Area above Ordinary  
High Water.



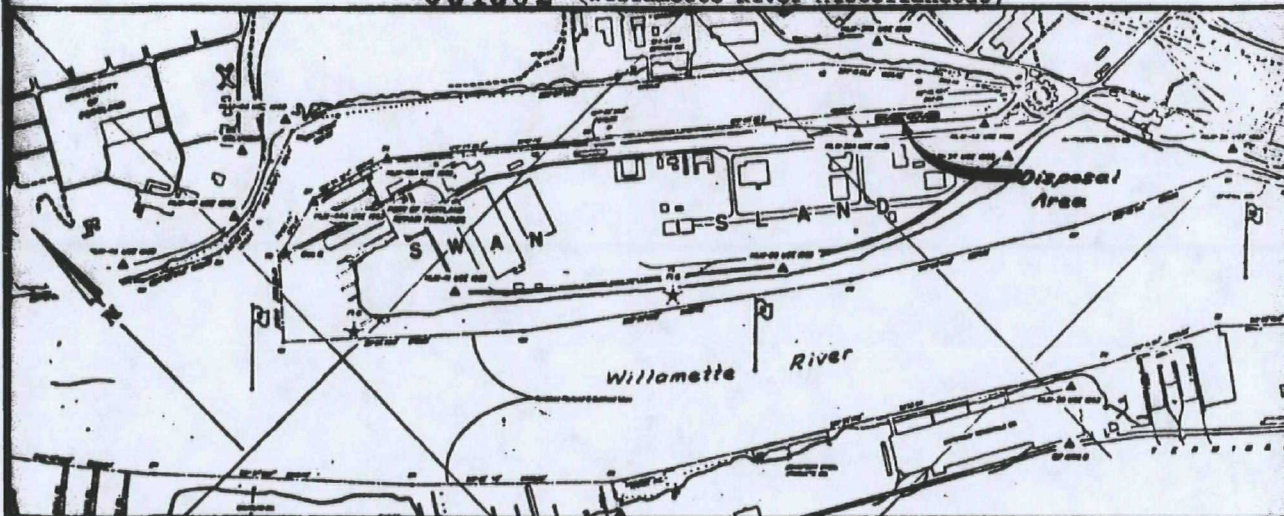
SWAN ISLAND LAGOON

in SWAN ISLAND LAGOON  
of WILLAMETTE RIVER MILE 8

County of MULTNOMAH, State ORE.  
Application by FRED DEVINE DIVING  
& SALVAGE, INC.



001362 (Willamette River-Miscellaneous)

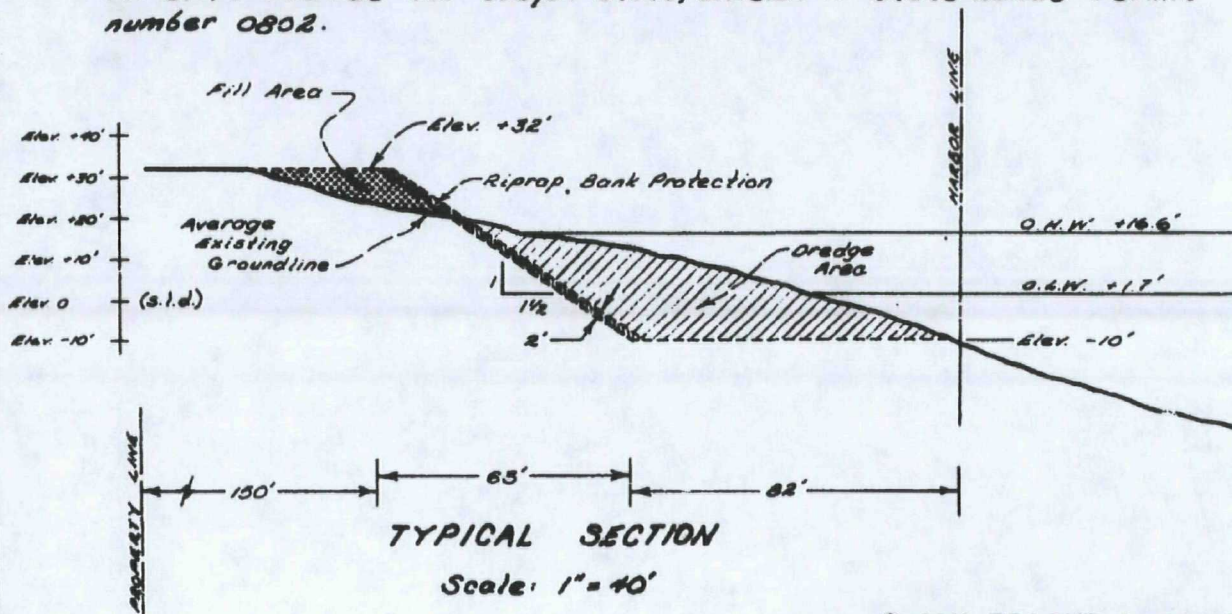


NOTES:

All elevations refer to sea level datum.

See sheet #1 for Plan View and Vicinity Map.

Approximately 6,000 Cu. Yds. of Dredge Spoils will be placed in Fill Area on Derive Property, remainder will be deposited in Disposal Area shown above and authorized by Corps of Engineers Permit number 071-0YA-1-000488 and Oregon State, Division of State Lands Permit number 0802.



In SWAN ISLAND LAGOON  
of WILLAMETTE RIVER MILE 8  
County of MULTNOMAH, State of OR  
Application by FRED DERIVE  
and J. J. SALMER, JR.  
Date 8 APR '73



## DEPARTMENT OF ENVIRONMENTAL QUALITY

TERMINAL SALES BLDG. • 1234 S.W. MORRISON ST. • PORTLAND, OREGON 97205

**TOM McCALL**  
GOVERNOR

**Diarmuid F. O'Scannlain**

Director

### ENVIRONMENTAL QUALITY COMMISSION

**B. A. McPHILLIPS**  
Chairman, McMinnville  
**EDWARD C. HABES, JR.**  
Springfield

**STORRS S. WATERMAN**  
Portland

**GEORGE A. McMATH**  
Portland

**ARNOLD R. COGAN**  
Portland

### Public Notice

The following shall constitute public notice by the State of Oregon that the Department of Environmental Quality, pursuant to the requirements of Section 401 of the Federal Water Pollution Control Act Amendments of 1972, has been requested to certify that there is reasonable assurance that the project described in Corps of Engineers Public Notice No. 071-OYA-1-001362 will not violate applicable water quality standards. Comments regarding possible water quality effects of the proposed project should be sent within 20 days to the Department of Environmental Quality, 1234 S. W. Morrison Street, Portland, Oregon 97205.



STATE OF OREGON  
Division of State Lands  
502 Winter Street NE.  
Salem, Oregon 97310  
Phone: 378-3805

Willamette River  
Multnomah County  
c/r PN 001362

Expires: 2-14-75

MATERIAL REMOVAL PERMIT NO. 1359

FRED DEVINE DIVING AND SALVAGE

is hereby authorized to remove materials from the waterway described in the attached copy of his application, subject to the special conditions checked on Attachment "A" and to the terms and conditions expressed in said attached application.

This permit is granted under the provisions of ORS 541.605 et seq and in no way is it intended to authorize removal of material from state-owned submersible and submerged lands without compliance with leasing and royalty provisions of ORS 274.530 et seq and other applicable provisions of law. The permit merely expresses assent of the State to the work proposed and does not eliminate the necessity of obtaining rights of way and permission of the owners of lands upon which work is to be performed. All operations shall be in conformance with Oregon Administrative Rules, Chapter 334; Standards of Quality for Public Waters of Oregon.

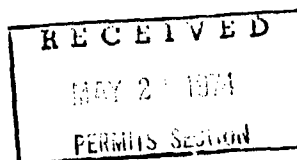
The Division reserves the right to review the terms of this permit annually and, upon review, to amend or cancel this permit when conditions or revised standards require such action. You will be notified prior to the permit expiration date so that you may submit your renewal request.

/s/ William S. Cox

William S. Cox, Director

February 14, 1974

Date



ATTACHMENT "A"

Special Conditions checked apply to Material Removal Permit No. 1359

- ( ) 1. The Department of Environmental Quality
  - ( ) a. has issued Waste Discharge Permit No. \_\_\_\_\_ for this project.
  - ( ) b. will require a Waste Discharge Permit for this project.
- (x) 2. The operation shall be conducted <sup>in a manner that will</sup> ~~be done in a manner that will~~ ~~prevent any turbidity increase~~ ~~operation from the free flowing stream and~~ prevent any turbidity increase
  - ( ) of 5 JTU's over background (x) when natural stream turbidities are 30 JTU's or less, or more than a 10% cumulative increase when natural stream turbidities are more than 30 JTU's.
- ( ) 3.
  - ( ) a. The river shall not be diverted from its present channel.
  - ( ) b. At the project's completion, the stream shall be
    - ( ) PLACED IN A SINGLE CHANNEL ( ) RETURNED TO ITS ORIGINAL CHANNEL
- ( ) 4. All potholes or removal pits shall be ( ) LEVELED ( ) CONNECTED TO THE RIVER upon completion of a season's work or by \_\_\_\_\_.
- (x) 5. ( ) DIKES SHALL BE CONSTRUCTED (x) CLEAN, NONERODIBLE RIPRAP SHALL BE PLACED
  - ( ) GRASS SHRUBS TREES SHALL BE PLANTED ~~PLANTED~~ \_\_\_\_\_
 in area of streambank disturbance to prevent abnormal erosion of streambanks.
- ( ) 6. No ( ) DIKE CONSTRUCTION ( ) CHANNEL CHANGE ( ) OPERATION OF EQUIPMENT shall be done in the active flowing stream from \_\_\_\_\_ without prior written approval from the Division of State Lands.
- (x) 7. There shall be no (x) REMOVAL (x) FILLING in the permit area between the period of March 1 to May 31 and Sept. 1 to 30 without prior approval of the Division of State Lands or as outlined in the special conditions below.
- ( ) 8. Material shall not be removed to a depth greater than [ \_\_\_\_\_ ] feet
  - ( ) ABOVE ( ) BELOW ] the floor of the adjacent streambed.
- ( ) 9. Spoils, stockpiles, and other fill materials shall be placed ( ) ABOVE THE BANKLINE ( ) BEYOND THE REACH OF FLOODING WATER ( ) ABOVE MEAN HIGHER HIGH WATER ( ) BEHIND PREVIOUSLY-CONSTRUCTED BERM(s).

Others:

- (x) 10. Spoils on the Devine property shall be placed above the Ordinary High Water line behind previously constructed berms.
- (x) 11. Spoiling in the Port of Portland's disposal area in Swan Island Lagoon shall be subject to conditions of RP 0820.
- (x) 12. The Division of State Lands retains the right to temporarily halt or modify the operation should excessive turbidity, damage to natural resources, or conflicts with other users occur.
- (x) 13. Angle of the finished riprap slope shall not exceed 2:1.

February 14, 1974

# MATERIAL REMOVAL FILL PERMIT APPLICATION

FOR OFFICE USE ONLY

Permit No.: \_\_\_\_\_

Please return comments by: \_\_\_\_\_

Name of Applicant Fred Devine Diving & Salvage, Inc.  
(Corporation name or Individual) (Please print)

P.O. Box 11224, Portland, Oregon 97211 283-2488  
(Address) (Zip) (Telephone No.)

Marilyn Luit Secretary  
(Signature of applicant) (Title)

Name of Contractor Fred Devine Diving & Salvage, Inc.

P.O. Box 11224, Portland, Oregon 97211 283-2488  
(Address) (Zip) (Telephone No.)

Description of Operation. Strike inappropriate words, phrases, etc.

- a) Materials to be Removed and/or ~~Fill~~ Placed in Fill Remove bottom sand from Swan Island basin.
- b) Estimated Quantity (Removal) 50,000 (Fill) 50,000
- c) Method of Removal and/or Fill Clam shell dredge
- d) Placement of Material after Removal To be placed at upper end of basin in Port of Portland fill area.
- e) Purpose and Proposed Use of Removal and/or Fill To deepen basin to moor Devine's floating equipment
- f) Source of Fill Material (if applicable) from dredge area
- g) Proposed Period of Activity. Removal 1974  
Fill 1974
- h) Precautions to Prevent Damage to Waterway Dredged area is not in navigable waterway.

Location.

- a) Name of Stream as Listed on Map Swan Island basin
- b) Tributary of Back water of Willamette River.
- c) Located in County of Multnomah Section \_\_\_\_\_ Twp. \_\_\_\_\_ R. \_\_\_\_\_
- d) Map (Attach County Assessor's Plat or Equivalent Showing Location of Proposed Removal and/or Fill Operation)

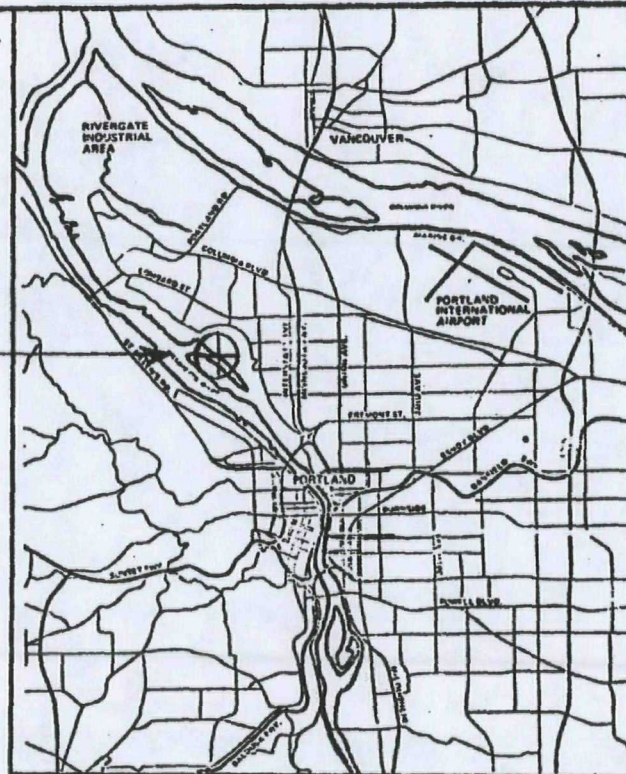
INSTRUCTIONS: Please submit in duplicate, and attach the \$100 fee with your application. This is an application fee required by law [ORS 541.620(3)] and is not refundable. For additional information, phone 378-3805.

Mail To: DIVISION OF STATE LANDS  
502 Winter Street NE.  
Salem, Oregon 97310

There will be no maintenance dredging and all fill will be on Port of Portland property.

RECEIVED  
JAN 25 1974  
DIVISION OF STATE LANDS

LOCATION OF  
DREDGING



in SWAN ISLAND LAGOON  
at MOCKS BOTTOM  
County of MULTNOMAH State Ore.  
Application by FRED DEVINE-  
DIVING & SALVAGE, Inc. per



TOM MCCALL  
GOVERNOR

OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM 97310

February 25, 1974

District Engineer  
Corps of Engineers  
U.S. Army  
Portland District  
P.O. Box 2946  
Portland, Oregon 97208

Att: A. J. Heineman, Chief  
Navigation Division

Ref: PN 071-OYA-1-001362 (Willamette River - Dredging)

Dear Sir:

The project is in conformance with the Lower Willamette River Management Plan. I approve the project subject to the conditions outlined in Removal Permit No. 1359 issued by the Division of State Lands and subject to the approval of the City of Portland Planning Commission. In addition, the contractor shall consult the City of Portland concerning protection of the storm sewer in the work area.

On January 24, 1974, the Department of Environmental Quality certified there was reasonable assurance that the project, as described, would not violate applicable water quality standards.

Sincerely,

*Tom McCall*  
Governor

TM:dk

cc: Fred Devine Diving and Salvage  
Division of State Lands  
City of Portland Planning Commission  
Department of Environmental Quality

RECEIVED  
FEB 28 1974



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
BUREAU OF SPORT FISHERIES AND WILDLIFE

Reference: RBS

1500 N. E. IRVING STREET  
P. O. BOX 3737  
PORTLAND, OREGON 97208

FEB 14 1974

District Engineer  
Portland District, Corps of Engineers  
P. O. Box 2946  
Portland, Oregon 97208

Re: 071-OYA-1-001362  
Willamette River at Portland  
Fred Devine Diving and Salvage, Inc.

Dear Sir:

This responds to referenced application for a permit to clamshell dredge 50,000 cubic yards of silty sand from Swan Island Lagoon. A portion of the spoils (6,000 cubic yards) will be placed adjacent to the dredge site above the ordinary high water line, and the remainder will be deposited in the spoil site authorized by 071-OYA-1-000488. Riprap will be used to prevent excessive erosion at the 6,000-cubic-yard spoil site. The proposed project is located in a heavily industrialized port area adjacent to the Willamette River.

These comments have been prepared under the authority of and in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and are consistent with the intent of the National Environmental Policy Act of 1969.

Near the project site, the Willamette River seasonally supports substantial fishing pressure. Most angling effort is concentrated on spring chinook salmon, though other species including coho salmon, winter steelhead, sturgeon, and shad are occasionally harvested. Numerous warmwater game fish occupy the proposed dredging site.

We do not object to the clamshell dredging if work is conducted according to the conditions on the public notice and the additional ones stipulated below. We do, however, oppose the in-water spoiling of approximately 44,000 cubic yards of bottom sediments which possibly are polluted. Dredging is proposed in an area near port commercial facilities, and bottom sediments from such locations are frequently high in total volatile solids and organics. The decomposition of these putrescible





## COLUMBIA REGION ASSOCIATION of GOVERNMENTS

6400 S.W. CANYON COURT  
PORTLAND, OREGON 97221

(503) 297-3726

February 1, 1974

Department of the Army  
Portland District Corps of Engineers  
P. O. Box 2946  
Portland, Oregon 97208

SUBJECT: 071-OYA-1-001362

Gentlemen:

We have examined the specifications for the above mentioned project.

We feel they are compatible with CRAG's planning and have no adverse regional impact.

Therefore, we have no comment to make.

Sincerely,

*Lyle Balderson*

Lyle Balderson  
Area Development Director

LM

materials by microorganisms produce toxic gases such as hydrogen sulfide and exerts a substantial biochemical oxygen demand which can reduce dissolved oxygen to levels incompatible with fish and other aquatic organisms. Also, the bottom sediments are often contaminated with oil, grease, and other harmful substances.

In view of the above considerations, we recommend the following additional conditions:

1. All spoils be placed above the ordinary high water line and be prevented from reentering the water by a dike or berm.
2. The Bureau of Sport Fisheries and Wildlife (River Basin Studies, Portland Area Office, phone 234-3361, extension 4083) be notified 2 weeks prior to the start of dredging and at the completion of work.
3. Upon notification by a fishery agency that dredging activities are adversely affecting fish and/or wildlife resources or the harvest of such resources, the operation be altered or terminated to eliminate the adverse effects.

If the above conditions are incorporated in the permit, we will not object to its issuance.

The above views and recommendations constitute the report of the Department of the Interior on the subject public notice.

Sincerely yours,



R. Kahler Martinson  
Regional Director

cc:  
EPA  
BOR  
NMFS  
FCO  
OWC  
DEQ



RE # 1362  
CITY OF PORTLAND  
**INTER-OFFICE CORRESPONDENCE**  
(NOT FOR MAILING)

MAY - 6 1974

Accepted

Recorded

MAY - 6 1974

April 24, 1974

From Bureau of Planning  
To Bureau of Buildings  
Addressed to C. N. Christiansen, Building Inspections Director  
Subject Conditional Use Request No. CU 31-74

Dear Mr. Christiansen:

On April 23, 1974 the Zoning Committee of the City Planning Commission met and considered the following Conditional Use request:

Applicant: Fred Devine Diving and Salvage, Inc., deadholder

Conditional Use Requested: Excavation and fill

On property legally described as: Part of Tax lot 11,  
Section 17, T1N, R1E

In zone: M2

Located at: Northwest of E. Ansign entrance at Swan  
Island Lagoon

The Committee action was as follows: Approval subject to any conditions imposed by the following agencies: City Engineer, Traffic Engineer, State of Oregon Fish Commission, State of Oregon Land Division, U.S. Army Corps of Engineers - Portland District, Port of Portland, Department of Environmental Quality.

Waive the 11-day waiting period.

Sincerely,



Ernest R. Bonner  
Planning Director



BUREAU OF  
PLANNING

ERNEST R. BONNER  
DIRECTOR

424 S.W. MAIN STREET  
PORTLAND, OR. 97204

PLANNING  
503 248-4253

ZONING  
503 248-4250

April 4, 1974

FROM: BUREAU OF PLANNING

SUBJECT: CU 31-74, Corp of Engineers  
#001362

On April 23, 1974, the Planning Commission will consider the following request:

Applicant: Fred Devine Diving and Salvage, deedholders

Request: Fill and excavation (dredging)

Location: Northwest of N. Ensign Street extended on the Swan Island Lagoon

Legal Description: Part of Tax Lot 11, Section 17, T1N, R1E

Quarter Section: 2425-2426

Applicant's Proposal: Dredged fill for the development of diving and salvage facilities. The fill will be 6000 cu. yds. to level out and slope the bank for construction while dredging to a -10 elevation with rip rap for stability.

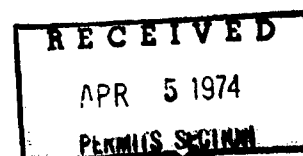
We would appreciate your review and opinions of this request before April 16, 1974.

If you desire more information on this matter, we will be glad to assist you.

Sincerely,

*Nancy Weisser*  
Nancy Weisser  
Zoning

NW:lc





January 25, 1974

BUREAU OF  
PLANNING  
ERNEST R. BONNER  
DIRECTOR

424 S.W. MAIN STREET  
PORTLAND, OR. 97204

PLANNING  
503 248-4253

ZONING  
503 248-4250

A. J. Heineman  
Navigation Division  
Portland District, Corps of Engineers  
P.O. Box 2946  
Portland, Oregon 97208

Re: 071-OYA-001362

Dear Mr. Heineman:

The Bureau of Planning has no objection to the dredging as requested by Fred Devine Diving and Salvage, Inc.

However, the placing of 6,000 cubic yards of the dredge spoils above the ordinary high water line and adjacent to the dredging area in an area zoned M2 (General Industrial) by the City of Portland requires a Conditional Use. Excavations and fills may be permitted as a Conditional Use in the City following public hearing and approval by the Planning Commission (or City Council on appeal). To date, no requests for approval of such use have been received from the abovenamed firm by the Planning Commission.

The remainder of the dredge spoils to be deposited in the existing spoils disposal area in Swan Island Lagoon authorized by Department of the Army permit number 071-OYA-000488 was approved by CU 88B-72 by the Planning Commission as requested by the Port of Portland.

Therefore, we feel such permit should not be issued until we have processed their request for the 6,000 cubic yards of spoils deposit adjacent to the dredging area.

Very truly yours,

  
Spencer H. Vail  
Zoning Supervisor

SHV:RA:st

cc: State of Oregon Division of State Lands  
Bureau of Buildings  
Fred Devine Diving and Salvage, Inc.



**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
National Marine Fisheries Service  
1700 Westlake Avenue North  
Seattle, Washington 98109

January 28, 1974

District Engineer, Portland District  
Corps of Engineers  
P.O. Box 2946  
Portland, Oregon 97208

Re: P.N. #071-OYA-1-001362, Fred Devine Diving & Salvage, Inc.

Dear Sir:

We have no objection to the issuance of the above permit provided the applicant (1) complies with Federal and State water quality standards and (2) adheres to all marine and anadromous fish resource requirements of State fish and game agencies.

In the event we obtain additional information necessary to protect the fish resources, we will contact you.

Sincerely,

Donald R. Johnson  
Regional Director

cc: Fish Commission of Oregon  
Oregon Wildlife Commission  
RBS, BSWF, Portland Area Office  
Environmental Protection Agency  
Reg. Director, NMFS, Seattle  
F3, Dr. Hutton, NMFS, Wash. D.C. (2)



U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION X

1200 SIXTH AVENUE  
SEATTLE, WASHINGTON 98101

January 22, 1974

REPLY TO  
ATTN OF: 10EP - Mail Stop #521

Enforcement Division

Mr. A. J. Heineman  
Chief, Navigation Division  
Portland District, C/E  
P. O. Box 2946  
Portland, Oregon 97208

Re: 071-OYA-1-001362 - Fred Devine Diving &  
Salvage, Inc.

Dear Mr. Heineman:

Personnel from this Agency have reviewed the above referenced public notice concerning a dredge and fill operation in Swan Island Lagoon.

The EPA, Region X, has no objection to this project; however, we are concerned about the method of spoil disposal in the area authorized by Corps of Engineers Permit #071-OYA-1-000488.

In a January 22, 1974, telephone conversation with Mr. James W. Shiach, of Fred Devine Diving and Salvage, Inc., he assured us that the proposed dredged spoils would be placed on the bank above ordinary high water or they would be placed behind a bermed area and therefore not in contact with the water.

Under these conditions we have no objection to the issuance of a permit for this project.

Sincerely,

Lloyd A. Reed  
Chief  
Permits Branch

cc: BSF&W (2)  
NMFS  
Ore. DEQ  
Ore. Fish Comm.  
Rollie Montagne  
Applicant

ACTION COPY



**DEPARTMENT OF  
ENVIRONMENTAL QUALITY**

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5256

TOM McCALL  
GOVERNOR

DIARMUID F. O'SCANNLAIN  
Director

*January 24, 1974*

Mr. John Payne  
U. S. Corps of Engineers  
P. O. Box 2946  
Portland, Oregon 97208

Subject: U. S. Corps of Engineers Public Notice *071-OYA-1-001362*  
*Fred Divine Diving & Salvage Inc., Swan Island, Dredging, Misc.*

Dear Mr. Payne:

The Department of Environmental Quality hereby certifies  
there is reasonable assurance that the above subject project,  
as described, will not violate applicable water quality standards.

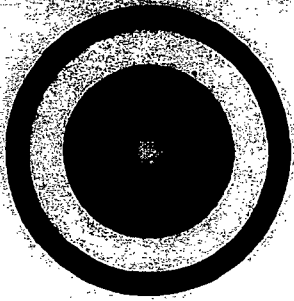
Very truly yours,

DIARMUID F. O'SCANNLAIN  
Director

GDC:lb

*Glen D. Carter*  
Glen D. Carter  
Water Quality Analyst

cc: Div. of State Lands  
cc: State Water Resources  
cc: Environmental Protection Agency  
cc: State Fish Commission  
cc: Oregon Game Commission



## OREGON ENVIRONMENTAL COUNCIL

2637 S.W. WATER AVENUE, PORTLAND, OREGON 97201 / PHONE: 503/222-1963

January 17, 1974

AMERICAN INSTITUTE OF ARCHITECTS,  
The Portland Chapter  
Southwestern Oregon Chapter  
AMERICAN INSTITUTE OF PLANNERS  
Oregon Section  
AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS  
Oregon Section, PNW Chapter  
ANGLERS CLUB OF PORTLAND  
AUDUBON SOCIETY, Portland  
BAY AREA ENVIRONMENTAL COMMITTEE  
Coos Bay, Oregon  
CHEMUKETANS, Salem, Oregon  
CITIZENS FOR A CLEAN ENVIRONMENT  
Corvallis, Oregon  
CIATSOP ENVIRONMENTAL COUNCIL  
COLUMBIA RIVER FISHERMAN'S  
PROTECTIVE UNION  
COMMITTEE FOR MINAM ACTION, INC.  
Portland, Oregon  
ECO ALLIANCE, Corvallis  
EUGENE FUTURE POWER COMMITTEE  
EUGENE NATURAL HISTORY SOCIETY  
FACULTY WIVES OF CENTRAL COMMUNITY  
COLLEGE, Bend  
4-H CLUB CARROT-TOPPERS, Scappoose, Oregon  
FRIENDS OF THE EARTH  
GARDEN CLUBS of Cedar Mill, Corvallis,  
Easimoretland, Gervais, Nehalem Bay,  
McKenzie River, Scappoose, Portland, Villa  
GREENLEAF CLUB OF FIRST UNITARIAN CHURCH  
Portland  
JUNIOR LEAGUE, Eugene, Portland  
LANE COUNTY PLANNED  
PARENTHOOD, Eugene  
MCKENZIE FLYFISHERS, Eugene, Oregon  
MCKENZIE GUARDIANS, Bille River, Oregon  
MT. HOOD COMMUNITY COLLEGE  
OUTDOOR CLUB  
NORTHWEST STEELHEADS COUNCIL OF TROUT  
UNLIMITED, Tigard, Willamette Falls  
NORTHWEST ENVIRONMENTAL  
DEFENSE CENTER  
OBSIDIANS, INC., Eugene, Oregon  
OREGON CITIZENS FOR CLEAN AIR  
OREGON GUIDES AND PACKERS, Vasa, Oregon  
OREGON LUNG ASSOCIATION  
OREGON PARK & RECREATION SOCIETY  
Corvallis, Oregon  
OREGON SCIENCE TEACHERS ASSOCIATION  
OREGON SHORES CONSERVATION COALITION  
O.S.P.R.C.  
O.S.U. FIN AND ANTLER CLUB  
Corvallis, Oregon  
PLANNED PARENTHOOD ASSOCIATION, INC.  
Portland  
F.U.R.E., Bend, Oregon  
REED COLLEGE OUTING CLUB  
Portland, Oregon  
ROQUE ECOLOGY COUNCIL  
Ashland, Oregon  
SALEM BEAUTIFICATION COUNCIL  
LATITIAN ALPINE CLUB  
Salem, Oregon  
SELLWOOD MGPRLAND IMPROVEMENT  
LEAGUE, Portland  
SIERRA CLUB  
Pacific Northwest Chapter  
Mary's Peak, Corvallis  
Rogue Valley, Ashland  
Columbia Group, Portland  
Mr. Jefferson, Salem  
SOCIETY FOR OREGON AVIAN RESEARCH  
SPENCER BUTTE IMPROVEMENT ASSOCIATION  
Eugene, Oregon  
STEAMBOATERS  
SURVIVAL CENTER, U. of O., EUGENE  
TRAILS CLUB OF OREGON  
TRI COUNTY NEW POLITICS, Lake Oswego  
WESTERN RIVER GUIDES ASSOCIATION, INC.  
WILLAMETTE RIVER GREENWAY ASSOCIATION  
WOMEN'S ARCHITECTURAL LEAGUE OF PORTLAND  
WOMEN'S INTERNATIONAL LEAGUE FOR  
PEACE AND FREEDOM, Portland  
ZERO POPULATION GROWTH  
Lane County

Colonel Clarence Gilkey  
District Engineer  
Portland District, USACE  
P. O. Box 2946  
Portland, Oregon 97208

RE: Public Notice 071-0YA-1-001362

Dear Colonel Gilkey:

We have two comments regarding the above permit application which relates to the requirements of the Lower Willamette River Plan (Permitted Activity Types; Class C Riprap).

First, the proposal sets the slope of the riprap at no steeper than 1-1/2 horizontal feet to one vertical foot. The Lower Willamette River Plan sets the minimum for this type of fill at 2:1 so that some continuity will remain between the uplands and the river itself.

Secondly, there is no indication that the riprap will be appropriately vegetated. This is also a requirement of the Willamette River Plan and a necessary consideration in insuring that the fill will be aesthetically acceptable.

We thank you for considering these comments and ask that they be incorporated into the permit conditions.

Sincerely,

*Larry Williams*  
Larry Williams  
Executive Director

LW:jan

ACTION COPY

31 May 74. The Class C bank stabilization requires vegetation at crown where not impractical. PWB



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208

NPPND-MI-P

2 January 1974

PUBLIC NOTICE  
071-OYA-1-001362  
MISCELLANEOUS

WILLAMETTE RIVER MILE 8 IN SWAN ISLAND LAGOON AT PORTLAND, OREGON

Interested parties are hereby notified that application has been made for a Department of the Army permit for work in navigable waters of this Engineer District under Section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U. S. C. 403) and under the provisions of Section 404 of the "Federal Water Pollution Control Act Amendments of 1972".

Name of Applicant: Fred Devine Diving & Salvage, Inc.

Character and Purpose of Work: To initially dredge by clamshell approximately 50,000 cubic yards of silty sand with the initial 6,000 cubic yards placed above the ordinary high water line and adjacent to the dredging area. The remainder of the dredge spoils is to be deposited in the existing spoils disposal area in Swan Island Lagoon authorized by Department of the Army permit number 071-OYA-1-000488. The applicant proposes to place approximately 6,000 cubic yards of riprap bank protection in a two foot blanket along the slope created by the dredging operation for erosion control. The applicant also proposes to perform maintenance dredging removing an annual maximum of approximately 1,000 cubic yards to maintain the working depth indicated. All the above to be accomplished as shown on the attached drawings.

This dredging is necessitated to provide adequate water depths around and behind the existing piling to which the applicant proposes to moor the company's floating equipment. The existing piling were legally driven behind the Harbor Line prior to 27 May 1970.

Additional Information: Additional information may be obtained from Mr. James W. Shiach, Fred Devine Diving & Salvage, Inc., P. O. Box 11224, Portland, Oregon 97211. Telephone: (503) 283-2488.

The requested permit, if issued, will be subject in part to the following conditions:

1. All construction debris will be disposed of on land in such a manner that it cannot enter into the waterway.
2. Care will be taken to prevent any petroleum products, chemicals or other deleterious materials from entering the water.
3. Slope of the riprap, bank, or excavation, etc. will be no steeper than  $1\frac{1}{2}$  foot horizontal to 1 foot vertical.
4. Only clean, durable riprap will be used.
5. *All areas along the bank disturbed or newly created by the construction activity will be seeded, riprapped or given some other equivalent type of protection against subsequent erosion.*



NPPND-MI-P

Re: No. 071-OYA-1-001362

(Willamette River - Miscellaneous)

6. Work in the waterway will be done so as to minimize turbidity increases in the water which tend to degrade water quality and damage aquatic life.

7. If a bucket dredge of any type, including but not limited to grab or clamshell, dipper, dragline or backhaul bucket, is used, all digging passes of the bucket shall be completed without any material once in the bucket, being returned to the wetted area except as approved.

Additional Information: A permit for the proposed work will not be issued until certification as required under Section 401 of the Federal Water Pollution Control Act Amendments of 1972 has been received from the Oregon State Department of Environmental Quality. State law requires that leases, easements or permits be obtained for certain works or activity in the described waters. These state requirements must be met where applicable and the Department of the Army permit obtained before any work waterward of the ordinary high water line may be accomplished.

Public Hearing: Any person who has an interest which may be adversely affected by the issuance of a permit for the work described herein may request a public hearing. The request must be submitted in writing to the District Engineer within thirty days of the date of this public notice and must clearly set forth the interest which may be adversely affected and the manner in which the proposed activity will adversely affect that interest.

Interested parties are requested to submit in writing any comments or objections they may have to the proposed work.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Federal Water Pollution Control Act. No permit will be granted unless its issuance is found to be in the public interest.

A preliminary determination has been made that an environmental impact statement is not currently required for the proposed work.

Replies to this notice should be mailed to reach this office not later than 4 February 1974.

  
J. HEINEMAN  
Chief, Navigation Division

**NOTES:**

All elevations refer to sea level datum.  
See sheet #2 for Spoil Disposal Location  
and Typical Section.

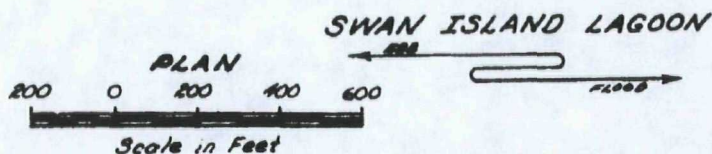
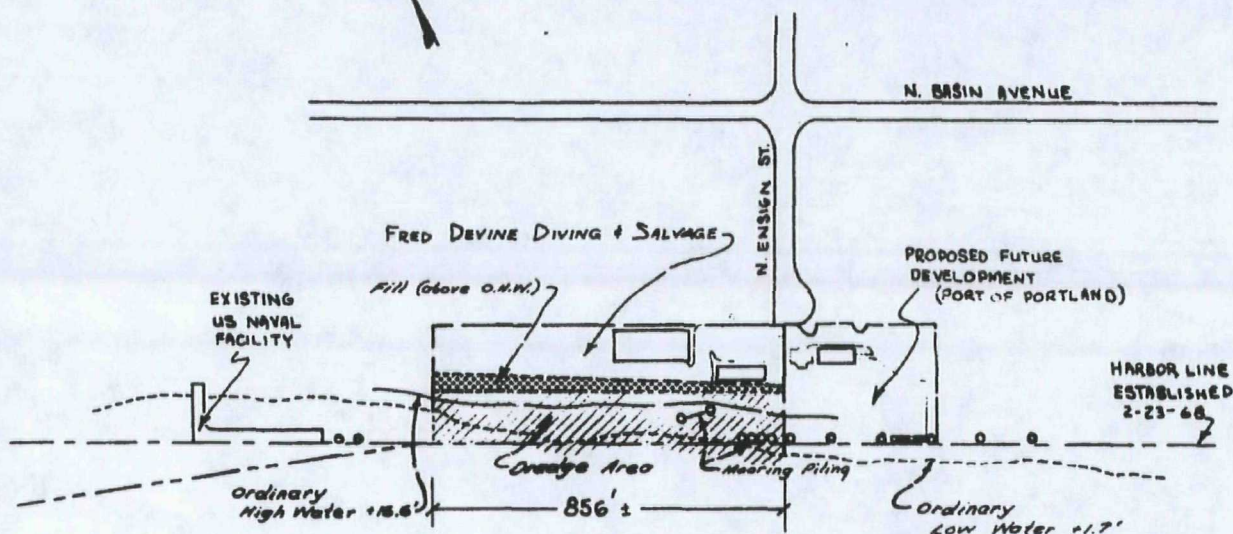
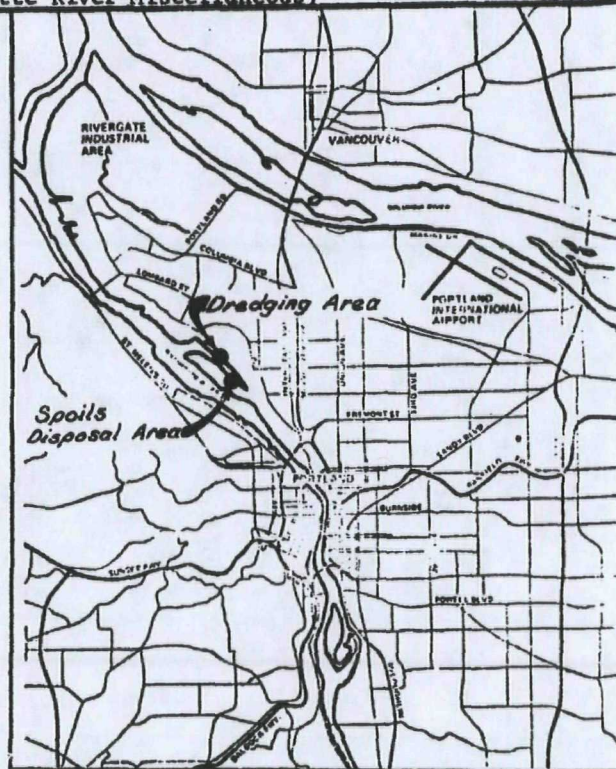
**KEY:**



... Denotes area to be dredged.



... Denotes Fill Area above Ordinary  
High Water.



in SWAN ISLAND LAGOON

of WILLAMETTE RIVER MILE 8

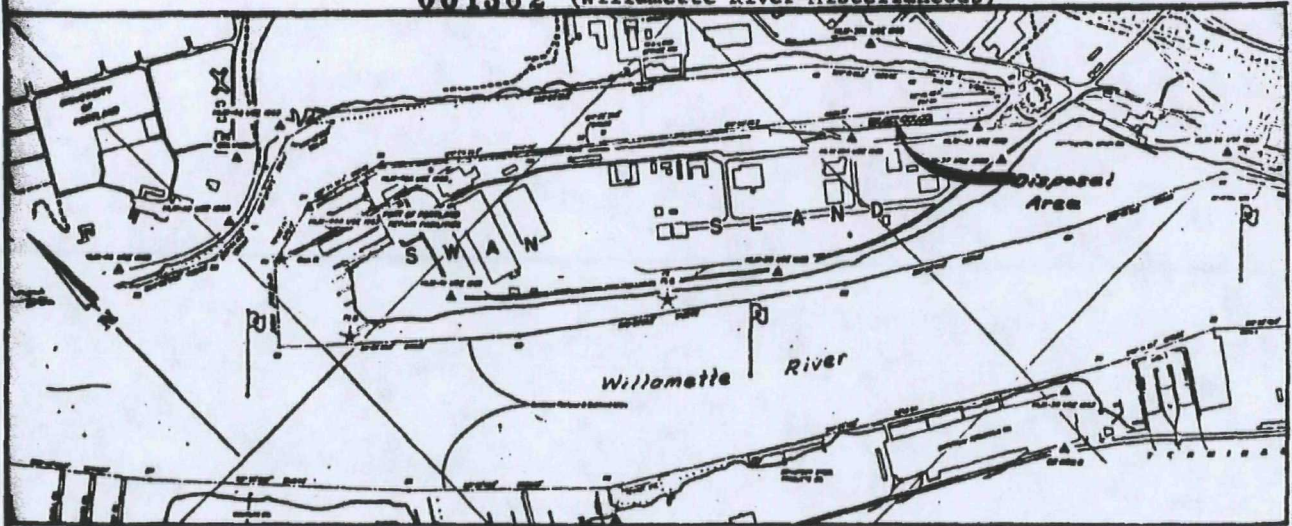
County of MULTNOMAH, State ORE.

Application by FRED DEVINE DIVING & SALVAGE, INC.

Date 8 NOV 1973



001362 (Willamette River-Miscellaneous)

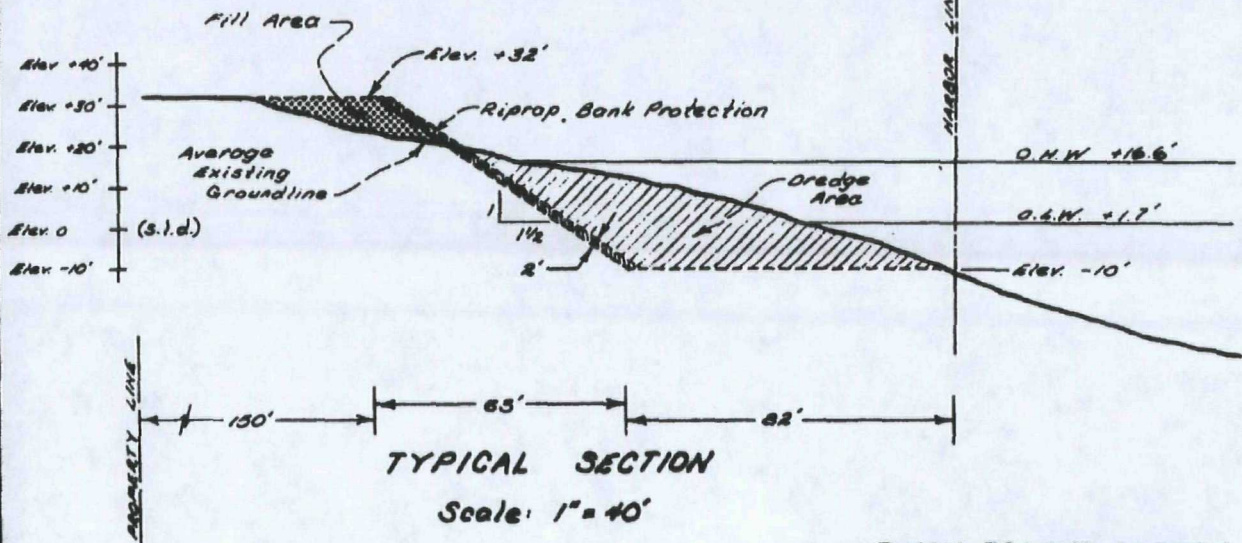


**NOTES:**

All elevations refer to sea level datum.

See sheet #1 for Plan View and Vicinity Map.

Approximately 6,000 Cu. Yds. of Dredge Spoils will be placed in Fill Area on Devine Property, remainder will be deposited in Disposal Area shown above and authorized by Corps of Engineers Permit number OTI-OYA-1-000488 and Oregon State, Division of State Lands Permit number 0802.



In SWAN ISLAND LAGOON  
of WILLAMETTE RIVER MILE 8  
County of MULTNOMAH, State of OR  
Application by ARTHUR F. BRUMMER, INC.  
Date 8 MAY '78

CENTRAL FILES

DISTRICT ENGINEER'S READING FILE

CHIEF OF ENGINEERS ATTENTION DAEN-CWO-N

NPD OPERATIONS DIVISION (2)

NPD ENGINEERING DIVISION - E.M. MAINS

PUBLIC AFFAIRS OFFICE

ENGINEERING DIVISION (2), ENGINEERING DIVISION (PLANNING BRANCH), ENEQ, EN-PL-2

REAL ESTATE DIVISION

CHIEF, PROJECT OPERATIONS

CHIEF, MAINTENANCE, INSPECTION & PERMIT BRANCH

CHIEF, COMMERCIAL STATISTICS SECTION

JURIS JURISCH, HYDRO SURVEYS SECTION

STATE OF OREGON: Fred D. Gustafson, Director, Oregon State Water Resources Board  
1158 Chereketa Street, Salem, OR 97310 (24)

68

13-516 Willamette R. Misc.

141

Fred Devine Diving & Salvage, Inc.

James W. Shiach, P.O. Box 11224, Portland, OR 97211

Sea-hand Service, Inc.

5949 N. Basin, Portland, OR 97

U.S. Navy, Swan Island, Portland 97171

Port of Portland

PUBLIC NOTICE DATED: \_\_\_\_\_

NUMBER ORDERED 215



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208

NPPND-MI-P

2 January 1974

PUBLIC NOTICE  
071-OYA-1-001362  
MISCELLANEOUS

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Character and Purpose of Work: To initially dredge by clamshell approximately 50,000 cubic yards of silty sand with the initial 6,000 cubic yards placed above the ordinary high water line and adjacent to the dredging area. The remainder of the dredge spoils is to be deposited in the existing spoils disposal area in Swan Island Lagoon authorized by Department of the Army permit number 071-OYA-1-000488. The applicant proposes to place approximately 6,000 cubic yards of riprap bank protection in a two foot blanket along the slope created by the dredging operation for erosion control. The applicant also proposes to perform maintenance dredging removing an annual maximum of approximately 1,000 cubic yards to maintain the working depth indicated. All the above to be accomplished as shown on the attached drawings.

This dredging is necessitated to provide adequate water depths around and behind the existing piling to which the applicant proposes to moor the company's floating equipment. The existing piling were legally driven behind the Harbor Line prior to 27 May 1970.

Additional Information: Additional information may be obtained from Mr. James W. Shiach, Fred Devine Diving & Salvage, Inc., P. O. Box 11224, Portland, Oregon 97211. Telephone: (503) 283-2488.

The requested permit, if issued, will be subject in part to the following conditions:

1. All construction debris will be disposed of on land in such a manner that it cannot enter into the waterway.
2. Care will be taken to prevent any petroleum products, chemicals or other deleterious materials from entering the water.
3. Slope of the riprap, bank, or excavation, etc. will be no steeper than  $1\frac{1}{2}$  foot horizontal to 1 foot vertical.
4. Only clean, durable riprap will be used.
5. All areas along the bank disturbed or newly created by the construction activity will be seeded, riprapped or given some other equivalent type of protection against subsequent erosion.

NPPND-MI-P

Re: No. 071-OYA-1-001362

(Willamette River - Miscellaneous)

6. Work in the waterway will be done so as to minimize turbidity increases in the water which tend to degrade water quality and damage aquatic life.

7. If a bucket dredge of any type, including but not limited to grab or clamshell, dipper, dragline or backhaul bucket, is used, all digging passes of the bucket shall be completed without any material once in the bucket, being returned to the wetted area except as approved.

Additional Information: A permit for the proposed work will not be issued until certification as required under Section 401 of the Federal Water Pollution Control Act Amendments of 1972 has been received from the Oregon State Department of Environmental Quality. State law requires that leases, easements or permits be obtained for certain works or activity in the described waters. These state requirements must be met where applicable and the Department of the Army permit obtained before any work waterward of the ordinary high water line may be accomplished.

Public Hearing: Any person who has an interest which may be adversely affected by the issuance of a permit for the work described herein may request a public hearing. The request must be submitted in writing to the District Engineer within thirty days of the date of this public notice and must clearly set forth the interest which may be adversely affected and the manner in which the proposed activity will adversely affect that interest.

Interested parties are requested to submit in writing any comments or objections they may have to the proposed work.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Federal Water Pollution Control Act. No permit will be granted unless its issuance is found to be in the public interest.

A preliminary determination has been made that an environmental impact statement is not currently required for the proposed work.

Replies to this notice should be mailed to reach this office not later than 4 February 1974.

  
J. HEINEMAN  
Chief, Navigation Division



DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS

APPLICATION FOR PERMIT TO DISCHARGE OR WORK IN NAVIGABLE WATERS AND THEIR TRIBUTARIES

SECTION I. GENERAL INFORMATION

|                       |  |      |              |
|-----------------------|--|------|--------------|
| 1. State<br><u>OR</u> | Application Number (to be assigned by Corps of Engineers)<br><u>001362</u> |      |              |
| Div.                  | Dist.  | Type | Sequence No. |

2. Name of applicant and title of signing official FRED DEVINE DIVING & SALVAGE INC.  
JAMES W. SHIACH

3. Mailing address of applicant  
p o box 11224  
Portland, Oregon 97211

4. Name, address, telephone number and title of applicant's authorized agent for permit application coordination and correspondence.

|                     |                 |                       |                           |
|---------------------|-----------------|-----------------------|---------------------------|
| <u>J. W. Shiach</u> | <u>283-2488</u> | <u>6211 N. ensign</u> | <u>Construction Engr.</u> |
| <u>J.H. Leitz</u>   | <u>"</u>        | <u>"</u>              | <u>President</u>          |
| <u>R.G. Eiring</u>  | <u>"</u>        | <u>"</u>              | <u>Vice President</u>     |

NOTE TO APPLICANT: Refer to the pamphlet entitled "Permits for Work and Structures in and for Discharges or Deposits into Navigable Waters" before attempting to complete this form.

Required Information

- All information contained in this application will, upon request, be made available to the public for inspection and copying. A separate sheet entitled "Confidential Answers" must be used to set out information which is considered by the applicant to constitute trade secrets or commercial or financial information of a confidential nature. The information must clearly indicate the item number to which it applies. Confidential treatment can be considered only for that information for which a specific written request of confidentiality has been made on the attached sheet. However, in no event will identification of the contents and frequency of a discharge be recognized as confidential or privileged information.
- The applicant shall furnish such supplementary information as is required by the District Engineer in order to evaluate fully an application.
- If additional space is needed for a complete response to any item on this form, attach a sheet entitled "Additional Information." Indicate on that sheet the item numbers to which answers apply.
- Drawings required by items 20 and 21 should be attached to this application. Other papers which must be attached to this application include, if applicable, copies of a water quality certification or a written communication which describes water quality impact (see Item 22 and Item 10 of Section II below), the additional information sheet(s) in "c" above, and the confidential information sheet described in "a" above.

Fees

If any discharge or deposit is involved, an application fee of \$100 must be submitted with this application. An additional \$50 is required for each additional point of discharge or deposit.

Signature

- If a discharge is involved, an application submitted by a corporation must be signed by the principal executive officer of that corporation or by an official of the rank of corporate vice president or above who reports directly to such principal executive officer and who has been designated by the principal executive officer to make such applications on behalf of the corporation. In the case of a partnership or a sole proprietorship, the application must be signed by a general partner or the proprietor. Other signature requirements are discussed in the pamphlet.
- If no discharge is involved, an application may be signed by the applicant or his authorized agent.

Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate.

18 U.S.C. Section 1001 provides that:

Signature of Applicant

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

FOR CORPS OF ENGINEERS USE ONLY

Acronym name of applicant

Are discharge structures

Date received, form not complete

Major? ☐

Minor? ☐

N/A? ☐

Date received, form complete but without certificate

Date sent to EPA, form not complete

Date received, form complete

Date sent to EPA, NOAA, D/I, AEC,

Date of Cert./Ltr.

FPC in complete form

day mc yr

day mo yr

| 5. Date <u>NOV 09 79</u><br>mo      day      yr   | (Office use only) <b>001362</b>                                       |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
|---|---|---|--|-------|---------------------|-------|----------------------|-------|------------------------|-------|-------------|-------|-------------|-------|--|
| 6. Check type of application:<br>a. Original <input type="checkbox"/> b. Revision <input type="checkbox"/>  | 7. Number of original application                                     |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| 8. Name of facility where discharge or construction will occur.<br><u>FRED DEVINE DIVING &amp; SALVAGE INC.</u>   |   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| 9. Full mailing address of facility named in item 8 above.<br><u>P O BOX 11224</u><br><u>Portland, Oregon 97211</u>   |   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| 10. Names and mailing addresses of all adjoining property owners whose property also adjoins the waterway.<br>Adjacent: <u>US NAVY (downstream) Navy pier Swan Island</u> Nearest structure<br><u>PAC (upstream) Port of Portland Owner</u><br>Nearest upstream structure: <u>Sea-Land Service Inc.</u><br><u>5949 N. Basin Portland, Oregon</u>  |   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| 11. Check to indicate the nature of the proposed activity:<br>a. Dredging <input checked="" type="checkbox"/> b. Construction <input type="checkbox"/> c. Construction with Discharge <input type="checkbox"/> d. Discharge only <input type="checkbox"/>   |   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| 12. If activity is temporary in nature, estimate its duration in months.<br><u>Duration Unknown</u>   |   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| If application is for a discharge:  |   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| 13. List intake sources <u>N/A</u>  |   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| <table border="0" style="width: 100%;"> <tr> <th style="text-align: left;">Source</th> <th style="text-align: left;">Estimated Volume in Million<br/>Gallons Per day or Fraction<br/>Thereof</th> </tr> <tr> <td>Municipal or private water supply system</td> <td>_____</td> </tr> <tr> <td>Surface water body</td> <td>_____</td> </tr> <tr> <td>Ground water</td> <td>_____</td> </tr> <tr> <td>Other</td> <td>_____</td> </tr> </table>   | Source  | Estimated Volume in Million<br>Gallons Per day or Fraction<br>Thereof | Municipal or private water supply system | _____ | Surface water body  | _____ | Ground water         | _____ | Other                  | _____ |             |       |             |       |  |
| Source  | Estimated Volume in Million<br>Gallons Per day or Fraction<br>Thereof |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| Municipal or private water supply system  | _____   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| Surface water body  | _____   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| Ground water  | _____   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| Other   | _____   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| 14. Describe water usage within the plant <u>N/A</u>  |   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| <table border="0" style="width: 100%;"> <tr> <th style="text-align: left;">Type</th> <th style="text-align: left;">Estimated Volume in Million<br/>Gallons Per day or Fraction<br/>Thereof</th> </tr> <tr> <td>Cooling water</td> <td>_____</td> </tr> <tr> <td>Boiler Feed water</td> <td>_____</td> </tr> <tr> <td>Process water</td> <td>_____</td> </tr> <tr> <td>Sanitary system*</td> <td>_____</td> </tr> <tr> <td>Other</td> <td>_____</td> </tr> </table>  | Type  | Estimated Volume in Million<br>Gallons Per day or Fraction<br>Thereof | Cooling water                            | _____ | Boiler Feed water   | _____ | Process water        | _____ | Sanitary system*       | _____ | Other       | _____ |             |       |  |
| Type  | Estimated Volume in Million<br>Gallons Per day or Fraction<br>Thereof |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| Cooling water   | _____   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| Boiler Feed water   | _____   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| Process water   | _____   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| Sanitary system*  | _____   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| Other   | _____   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| 15. List volume of discharges or losses other than into navigable waters. <u>N/A</u>  |   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| <table border="0" style="width: 100%;"> <tr> <th style="text-align: left;">Type</th> <th style="text-align: left;">Estimated Volume in Million<br/>Gallons Per day or Fraction<br/>Thereof</th> </tr> <tr> <td>Municipal waste treatment system</td> <td>_____</td> </tr> <tr> <td>Surface containment</td> <td>_____</td> </tr> <tr> <td>Underground disposal</td> <td>_____</td> </tr> <tr> <td>Waste Acceptance firms</td> <td>_____</td> </tr> <tr> <td>Evaporation</td> <td>_____</td> </tr> <tr> <td>Consumption</td> <td>_____</td> </tr> </table> | Type  | Estimated Volume in Million<br>Gallons Per day or Fraction<br>Thereof | Municipal waste treatment system         | _____ | Surface containment | _____ | Underground disposal | _____ | Waste Acceptance firms | _____ | Evaporation | _____ | Consumption | _____ |  |
| Type  | Estimated Volume in Million<br>Gallons Per day or Fraction<br>Thereof |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| Municipal waste treatment system  | _____   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| Surface containment   | _____   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| Underground disposal  | _____   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| Waste Acceptance firms  | _____   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| Evaporation   | _____   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| Consumption   | _____   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |
| * Indicate number employees served per day      _____   |   |   |  |       |                     |       |                      |       |                        |       |             |       |             |       |  |



If structures exist, or dredging, filling or other construction will occur, the precise location of the activity must be described.

(Office use only)

001862

a. Name the corporate boundaries within which the structures exist or the activity will occur.

16. State Oregon

17. County Clatsop

18. City or Town Portland

b. Name of waterway at the location of the activity

19. Swan Island Lagoon

20. Maps and sketches which show the location and character of each structure or activity, including any and all outfall devices, dispersive devices, and non-structural points of discharge, must be attached to this application.

21. For construction or work in navigable waters for which a separate permit is sought under 33 U.S.C. 403, the character of each structure must be fully shown on detailed plans to be submitted with this application. Note on the drawings those structures for which separate discharge information (Section II of this form) has been submitted.

22. List all approvals or denials granted by Federal, interstate, State or local agencies for any structures, construction, discharges or deposits described in this application.

Type of document

Id. No.

Date

Issuing Agency

For Legal Description of Property: See Attachment.

23. Check if facility existed or was lawfully under construction prior to April 3, 1970. ☐

24. If dredging or filling will occur:

State the type of materials involved, their volume in cubic yards, and the proposed method of measurement.

Dredging will be done with a clam shell bucket. Materials encountered will be silty sand. Approximate material disposal will be 50,000 cubic yards. Future maintenance dredging is estimated at 10,000 cubic yards over a period of ten years. Remaining dredge spoil will be deposited at the upper end of Swan Island Lagoon under C.O.E. Permit 000488 & D.S.L. Permit 0802. Spoils will be transported via barge and placed as high on bank as possible. Initial fill to be placed on Devine's property as shown on attached sketches (5-6,000 cu. yd.)

25. Describe the proposed method of instrumentation which will be used to measure the volume of any solids which may be deposited and to determine its effect upon the waterway.

26. State rates and periods of deposition described in Item 25.

001362

**FRED DEVINE DIVING & SALVAGE CO., INC.**

*Operating the M. V. Salvage Chief*

TELEPHONE: PORTLAND 255-7082, ASTORIA 325-4372

3405 N.E. 82nd AVENUE  
PORTLAND, OREGON 97220

9 Nov 1973

The District Engineer  
U S Army Engineer District - Portland  
P O Box 2946  
Portland, Oregon 97208

Dear Sir:

I request a permit for dredging as shown on the attached plans in Swan Island Lagoon, river mile approximately 8.7 Willamette River. The land on which the dredging will be done belongs to Fred Devine Diving & Salvage Inc. The adjacent owners are the U S Navy (downstream) and the Port of Portland (upstream). Both adjacent property owners have filed permit applications for improvements in the Swan Island Lagoon.

Very Truly Yours,

FRED DEVINE DIVING & SALVAGE INC.

*J. W. Shiach*  
J. W. Shiach

RECEIVED NOV 11 1973  
U S ARMY ENGINEER DISTRICT  
PORTLAND, OREGON

001362

DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 17 T. 1 N., R. 1 E., W.M.,  
MULTNOMAH COUNTY, OREGON DESCRIBED AS FOLLOWS:

DB

BEGINNING AT THE TERMINUS OF N. BASIN AVENUE AS DEDICATED AND  
ACCEPTED BY THE CITY OF PORTLAND BY ORDINANCE NO. 119402;  
THENCE S. 52° 15' E., 401.10 FEET ALONG THE CENTERLINE OF N. BASIN  
AVENUE TO THE INTERSECTION OF N. BASIN AVENUE AND N. ENSIGN  
AVENUE; THENCE S. 37° 45' W., 550.00 FEET TO THE TRUE POINT OF  
BEGINNING; THENCE N. 52° 15' W., 858.23 FEET; THENCE S. 37° 45' W.,  
193.00 FEET, MORE OR LESS, TO THE MEAN LOW WATER LINE OF SWAN  
ISLAND LAGOON; THENCE SOUTHEASTERLY ALONG THE MEAN LOW  
WATER LINE OF SWAN ISLAND LAGOON AS FOLLOWS; S. 17° 00' E. 93.00  
FEET; S. 50° 40' E. 171.00 FEET; S. 24° 15' E. 54.00 FEET; S. 45° 45' E. 80.00  
FEET; S. 60° 50' E. 66.00 FEET; S. 49° 00' E. 162.00 FEET; S. 46° 35' E. 220.00  
FEET; AND S. 38° 48' 36" E. 40.03 FEET; THENCE LEAVING SAID MEAN  
LOW WATER LINE N. 37° 45' E. 314.00 FEET, MORE OR LESS, TO THE TRUE  
POINT OF BEGINNING, CONTAINING 5.368 ACRES.